



County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration
500 West Temple Street, Room 713, Los Angeles, California 90012
(213) 974-1101
<http://ceo.lacounty.gov>

WILLIAM T FUJIOKA
Chief Executive Officer

December 12, 2013

To: Supervisor Don Knabe, Chairman
Supervisor Gloria Molina
Supervisor Ridley-Thomas
Supervisor Zev Yaroslavsky
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

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ADVOCACY TO INCREASE FUNDING FOR OPERATIONS, SYSTEMS INTEGRATION AND FACILITY IMPROVEMENTS RELATED TO IMPLEMENTATION OF THE 2011 PUBLIC SAFETY REALIGNMENT AND AB 109

Implementation of the 2011 Public Safety Realignment and AB 109 represented a major shift in California's justice system, transferring the State's responsibility for custody, community supervision, and rehabilitation of certain inmates to California's counties. While AB 109 was designed to reduce the State's prison population, address ongoing litigation and alleviate its fiscal deficit, the shift has exacerbated the stresses on the counties' jail system's physical and clinical resource capacity to address the housing, medical, and mental health needs of the new population of inmates. Even with guaranteed funding for the new AB 109 responsibilities, made possible through the passage of Proposition 30 of 2013, current funding levels fall far short of what the County of Los Angeles needs to ensure full and successful implementation of AB 109.

We recommend the Board:

1. Send a five-signature letter to the Governor, Legislative Leadership, and the Los Angeles County Legislative Delegation requesting an immediate increase to funding for:
 - Operations and systems integration to effectively provide the needed treatment services and supervision for AB 109 offenders supervised in the community, as well as appropriate clinical and mental health care within the jails;

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- Infrastructure and facilities improvements to adequately address population management and the needs of AB 109 inmates, especially those with acute and chronic illness and serious mental health issues.
2. Instruct the Chief Executive Officer to urge the California State Association of Counties and its member counties to support and advocate this request.

DISCUSSION

The objective of the State's implementation of AB 109 was to reduce the State prison population to comply with the Federal three-judge panel's order to address ongoing constitutional issues related to health and mental health care in the prison system and to reduce the State's budget deficit. After two years of realignment, counties have absorbed the realigned inmate population, but have also assumed the responsibility to address their associated medical and mental health needs without adequate State investment in systems integration, operational needs in the community, and infrastructure and facilities improvements.

To successfully implement AB 109 and avoid the costly litigation that has plagued the State, it is clear that counties must address these operational, physical, and clinical infrastructure issues. Since implementation of AB 109, several of California's counties are already facing class action lawsuits filed by attorneys advocating for inmates' rights. These lawsuits are modeled after the litigation against the State and focus on subpar medical and mental health care in local jail facilities.

Operations and Systems Integration

Funding for AB 109 has been insufficient for the County to fully invest in the required systems integration and operational improvements needed to effectively provide adequate levels of treatment services and supervision for the AB 109 offenders supervised in the community, as well as appropriate clinical and mental health care within the jails.

The Department of Mental Health has identified significant shortfalls within its community mental health services system to address the mental health needs of the AB 109 population, which has presented much higher acuity and rates of serious mental health issues than originally estimated. Based on current utilization rates for acute inpatient care, State hospital and Institutions for Mental Disease beds, the current amount of funding allocated for these levels of care needs to be doubled to adequately address those offenders that require this type of treatment.

In addition, the current number of community-based specialized residential treatment beds is also inadequate to meet the needs of individuals who have co-occurring mental health and substance use disorders. Outpatient mental health and co-occurring substance abuse treatment services is also insufficient to meet the needs of AB 109 offenders supervised in the community.

Within the jails, the Sheriff, Health Services, and Mental Health Departments have had to transform medical and mental health services from a focus on episodic and short-term services to chronic and continuity of care services. This integration of services will ultimately improve medical and mental health care for inmates, but the long-term financial cost was not clearly contemplated in the AB 109 funding allocation.

The County is already facing increases in the unreimbursed medical costs for inmates compared to the pre-AB 109 baseline, attributable to a 15 percent increase in the number of inmates admitted to the acute hospital, a 30 to 40 percent increase in the number of referrals for a broader spectrum of ongoing specialty care and diagnostic services, a number of medically necessary surgical procedures for long-term AB 109 inmates, and corresponding drug costs.

Similarly, the County's AB 109 funding allocation has not been sufficient to increase jail mental health staffing proportionate to the increase in mentally ill AB 109 inmates. Lack of staffing and adequate and suitable treatment space seriously impedes the County's ability to provide effective and evidence-based mental health care within the custodial setting, as well as appropriately transition inmates to community care.

Jail Infrastructure

County jails were designed, and have been traditionally used, as holding facilities for individuals awaiting adjudication of their cases and as short-term lock-ups for low-risk, locally-sentenced inmates. In-custody medical and mental health services were likewise not designed for inmates with long-term sentences. However, post-AB 109, the County jail is now tasked with housing more serious inmates for longer periods of time.

Within the span of two years, the Los Angeles County jail population has increased by 23 percent from 15,400 to over 19,000 inmates, including 6,200 AB 109 inmates. In order to provide the capacity to accommodate this new population, who are all serving the full length of their sentence; other locally sentenced inmates now only serve 10 to 40 percent of their term. Compared to a pre-AB 109 average sentence of one year, AB 109 inmates are serving an average two and a half year sentences, with some inmates serving much more, including one sentenced to a 42-year term. The average

AB 109 inmate is now occupying a jail bed that would have otherwise been available for two inmates during the same span of time.

Furthermore, 50 percent of the AB 109 inmates have been classified as medium to high risk, requiring additional staff to maintain a safe and secure custody environment for both staff and inmates. Currently, 350 AB 109 inmates are housed in long-term single cell or restricted housing due to safety and security issues. This has required the Sheriff to convert the jail system's limited available double or multi-person units to one-man cells to house these inmates.

Funding Adequacy

The State has already begun realizing general fund savings as a result of realignment. According to the California Department of Corrections and Rehabilitation's (CDCR) report, *The Future of California Corrections: A Blueprint to Save Billions of Dollars, End Federal Oversight and Improve the Prison System*, the State is poised to realize annual net savings in the billions of dollars.

Fiscal Year	CDCR Realignment Savings (A)	AB 109 Statewide Funding (B)	AB 109 Funding as a % of CDCR Savings	CDCR's Net Savings Available for AB 109 (A minus B)
2011-12	\$0.43 billion	\$0.37 billion	86%	\$0.06 billion
2012-13	\$1.00 billion	\$0.87 billion	87%	\$0.13 billion
2013-14	\$1.60 billion	\$1.02 billion	64%	\$0.58 billion
2014-15	\$2.68 billion	\$0.95 billion	35%	\$1.73 billion
2015-16	\$3.63 billion	\$0.95 billion	26%	\$2.68 billion

Furthermore, the Legislative Analyst's Office recently projected State operating surpluses of billions of dollars in the coming years, growing to approximately \$10 billion by Fiscal Year 2018-19. The State should use some of these funds to reduce the significant burden that AB 109 has placed on county governments, particularly the County of Los Angeles, and provide needed investment to ensure its successful implementation.

CONCLUSION

Current funding levels fall far short of what the County of Los Angeles needs to ensure full and successful implementation of AB 109. It is clear that the AB 109 funding allocation has been insufficient for the County to make investments in systems integration and operational improvements to effectively provide treatment services and

supervision for AB 109 offenders supervised in the community, as well as appropriate clinical and mental health care within the jails. The State must provide more funding to allow counties to make these needed investments.

In order to provide the necessary level of long-term custody housing and medical and mental health care, the County jail system's physical and clinical infrastructure must also be expanded. The State's existing capital projects grants, such as AB 900, were developed prior to the implementation of AB 109 and are not adequate to address the needs of county jails in a post-AB 109 environment. Additional funding is needed to reflect the long-term housing and medical and mental health needs of the AB 109 population.

Given the significant fiscal savings projected by the CDCR and economists' consensus of ongoing economic recovery, the State must provide all California counties with adequate funding to support the necessary operational improvements, systems integration, and jail facility improvements required by AB 109. This funding will ensure the provision of appropriate community treatment and supervision, as well as housing and effective custodial medical and mental health care for AB 109 offenders.

Should you have any questions, please contact Georgia Mattera, Public Safety, at (213) 893-2374, or Ryan Alsop, Office of Intergovernmental and External Affairs, at (213) 974-1100.

WTF:GAM:RA
SW:DT:llm

c: Executive Office, Board of Supervisors
County Counsel
Sheriff
Health Services
Mental Health